



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

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In re application of
Herbert M. Straub et al.
Serial No. 09/694,136
Filed: October 23, 2000
For: DECORATIVE MOLDING, DECORATIVE OVERLAYS AND
FILMS THEREFOR AND METHODS AND APPARATUS FOR
MAKING THE SAME :

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DECISION ON
PETITION

This is a response to the "APPELLANT'S PETITION UNDER 37 CFR 1.181", filed February 17, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of February 01, 2005, for failure to timely file a proper response to the Office letter dated on March 05, 2004 be withdrawn. The petitioner asserts that the abandonment was in error and applicants filed a Notice of Appeal and paid a fee of \$165.00 for the Notice of Appeal on June 07, 2004 (Note: June 05, 2004 was Saturday).

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did reply to the Office letter of March 05, 2004 in a timely manner. The submitted evidence are : (1) a copy of the Notice of Appeal (PTO/SB/31) with an executed Certificate of Mailing dated June 07, 2004 ; (2) a copy of Fee Transmittal Form (PTO/SB/17) dated June 07, 2004 ; and (3) a copy of the Auto-Reply Facsimile Transmission confirming receipt of the Notice of Appeal and the Fee Transmittal Form by USPTO dated June 07, 2004. It is noted from the RAM report that the Notice of Appeal fee of \$165.00 for the instant application (SN 09/694,136) was mistakenly charged to a different file serial number (SN 09/964,136) on June 08, 2004. The applicants also filed an Appeal Brief on July 26, 2004.



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Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The case will be forwarded to the Technical Support Staff for correcting the error for the Notice of Appeal fee of \$165.00 and entering of the Appeal Brief and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "J. Stone", is written over a horizontal line.

Jacqueline Stone, Director
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